

Remarks

This communication is considered fully responsive to the third non-final Office Action mailed November 20, 2006 (the "third Office Action"). Claims 1-4, 6-9, and 11-22 were examined. Claims 1-4, 6-9, and 11-22 stand rejected. No claims are amended. No claims are canceled. No new claims are added. Reexamination and reconsideration of the currently pending claims are respectfully requested.

Claim Rejections - 35 U.S.C. 103(a)

The Office Action rejected claims 1-4, 6-9, and 11-22 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0083125 to Almeida ("Almeida"), U.S. Patent Publication No. 2002/0035488 to Aquila ("Aquila"), in view of U.S. Patent No. 5,752,236 to Sexton, et al. Applicant respectfully traverses the rejection.

Aquila was filed October 23, 2001, which is after Applicant's earliest priority date of May 19, 2000. Although Aquila claims priority to a provisional patent application filed April 3, 2000, the Office Action has not shown that the disclosure relied on to reject Applicant's claims was included in the provisional patent application. Therefore, the Office Action has failed to make a prima facie case which would support a rejection of Applicant's claims under 35 U.S.C. 103(a). In the event that the Examiner sustains this rejection by showing that the disclosure relied on in Aquila to reject Applicant's claims was also disclosed in Aquila's provisional patent application, Applicant expressly reserves the opportunity to show prior invention and remove Aquila as prior

art. For at least the foregoing reasons Applicant believes that the rejections are moot.

Furthermore, Applicant notes significant differences between the cited references and the claimed invention. Almeida discloses creating a virtual electronic community of insurers, agents, auto repair shops, window and window replacement centers, rental car providers and providers of replacement automotive parts for settlement of automobile insurance claims. Aquila discloses administering, tracking and managing insurance claim processing systems. Sexton discloses evaluating compliance with regulatory requirements by the IRS and other regulatory agencies. None of these references are even related to certificates of insurance, as recited in the Applicant's claims and previously discussed with the examiner by telephone following the second Office Action.

In particular, Applicant believes the Office Action confused the "digital certificate" in the primary reference, Almeida, with "certificates of insurance" and "certificate holder" recited in the claims. With reference to claim 1, for example, the Office Action relies heavily on paragraphs 0048-0057 in Almeida as disclosing various recitations including "certificates of insurance" and "certificate holder." These citations explain the use of digital certificates for authenticating agents and vendors in a computer network. These digital certificates primarily contain information such as name, location, and/or a private identification number (PIN) obtained upon registering for access to the electronic common area. The digital certificates allow users to identify themselves as agents or vendors.

The “certificates of insurance” and “certificate holder” recited in Applicant’s claims, however, are understood in the insurance industry as explained in Applicant’s “Background of the Invention” section as follows:

[0003] When one business provides a service or product to a customer, the provider must often furnish proof of insurance, especially where the service or product creates a risk of injury or damage. For example, a contractor hired to build a building typically must carry workers compensation insurance to protect his workers and liability insurance in case a third party is injured due to the contractor's negligence.

[0004] Typically, such proof is furnished in the form of a certificate of insurance, ("COI"). The service provider, contractor, tenant, borrower, vendor, or other party, who is insured by the policies shown on the COI is commonly called the "insured" and the recipient is referred to as the "certificate holder" (or more simply, "holder"). COIs are issued by an insured's insurance agent, agency broker, or by insurance companies that do not use agents or brokers (collectively referred to as an "agent"). Many holders demand a certificate for each project or location on which an insured works, thus substantially multiplying the number of certificates required for a single insured holder relationship. Each insured may need certificates for many holders, as in the case of a plumber working for several general contractors. The agent also will normally send a copy of the certificates to the insured, a copy to each insurance company shown on the COI, and will keep a copy in the file.

Applicant believes that the distinction between “certificates of insurance” and “digital certificates” is clear from this explanation, and

accordingly, that none of the cited references teach or disclose the claim recitations. However, the Examiner is encouraged to telephone Applicant's attorney listed below if further clarification is needed.

For at least the foregoing reasons the currently pending claims are believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claims 1-4, 6-9, and 11-22.

Conclusion

The Applicant respectfully requests that a timely Notice of Allowance be issued in this matter. If there are any matters that may be clarified by telephone, the Examiner is encouraged to call Applicant's attorney at the number listed below.

Respectfully Submitted,



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By: _____

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